quent or continued use might result in dependence upon a laxative to move the bowels.

On August 2, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1412. Misbranding of Testilon. U. S. v. 980 Bottles and 1,351 Bottles of Testilon. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12650. Sample Nos. 67084–F to 67086–F., incl.)

On or about June 20, 1944, the United States attorney for the Western District of Missouri filed a libel against 980 bottles, each containing 100 tablets, and 1,351 bottles, each containing 20 tablets, of Testilon at North Kansas City, Mo., alleging that the article had been shipped from Cleveland, Ohio, by Oxford Products, Inc., between the approximate dates of March 3 and April 19, 1944.

The article was labeled in part: "Testilon Each tablet contains Vitamin B_1 666 U. S. P. Units Yohimbin Hydr. 0.005 Grams Orchic Substance 0.05 Grams Calcium Glycero Phosphates 0.15 Grams Sodium Glycero Phosphates 0.15 Grams Nux Vomica 0.03 Grams Vitamin Guild of America Division of Oxford Products, Inc. Manufacturing Chemists Cleveland, Ohio." Examination indicated that the article possessed the composition declared on its label.

The article was alleged to be misbranded (1) in that the label statements, "Testilon * * * Dosage—2 to 3 tablets depending upon age and severity of case * * * When desired effect is reached discontinue use," were false and misleading since such statements represented and suggested that the article was effective as a sex restorer, whereas it was not effective for that purpose; (2) in that the label statement, "Each Tablet Contains * * * Orchic Substance 0.05 Grams," was misleading since it failed to reveal the fact, material in light of such statement, that orchic substance possesses no therapeutic activity when taken by mouth; (3) in that its label failed to bear the name and quantity or proportion of strychnine contained in the article; and (4) in that its label failed to warn that, in view of the yohimbine hydrochloride present, the article should not be taken by those suffering from heart disease, high blood pressure, and kidney disease; that the product containing nux vomica may be dangerous, especially when used by elderly persons; and that use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

On April 4, 1945, the case having been removed to the Northern District of Illinois, and Oxford Products, Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1413. Misbranding of Gallusin. U. S. v. 17 Boxes of Gallusin. Default decree of condemnation and destruction. (F. D. C. No. 13113. Sample No. 67673–F.)

On August 2, 1944, the United States attorney for the Eastern District of Tennessee filed a libel against 17 boxes of Gallusin at Knoxville, Tenn., alleging that the article had been shipped on or about March 29 and July 1, 1944, from New York, N. Y., by the Sumlar Co.

Examination showed that the article contained laxative drugs including phenolphthalein.

The article was alleged to be misbranded (1) because of false and misleading statements on its label and in accompanying circulars, entitled "The Verdict of the Jury" and "Good News," regarding its efficacy in the treatment of disorders of the gall bladder, stomach, liver, and intestinal tract; and (2) in that its labeling failed to bear adequate warnings against unsafe methods or duration of administration, since the directions provided for habitual use.

On October 7, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

1414. Action to enjoin interstate shipment of adulterated and misbranded drugs. U. S. v. Associated Laboratories, Inc., Samuel Goodman, and Benjamin Ross. Permanent injunction granted. (Inj. No. 71.)

On September 13, 1944, the United States attorney for the Eastern District of Pennsylvania filed a complaint against the Associated Laboratories, Inc., Philadelphia, Pa., and Samuel Goodman and Benjamin Ross, president and secretary-treasurer of the corporation, respectively, alleging that the defendants for several years past and at that time had been and were introducing and deliver-

ing and causing the introduction and delivery for introduction into interstate commerce of various drugs found to be in violation of the law.

The complaint alleged further that the defendants had prepared and shipped in interstate commerce quantities of ampuls of solution of sodium citrate that showed a serious shortage of sodium citrate; ampuls of solution of colchicine salicylate and iodide that contained less than 50 percent of the declared amount of salicylate and iodide; sterile solution of strontium bromide that contained mold and yeast and was contaminated with foreign particles; liver extract iron vitamin B_1 that was 90 percent deficient in its vitamin B_1 content; sterile solution of dextrose and sterile solution of calcium gluconate that contained undissolved material; and sterilized double distilled water that contained undissolved material and pyrogens. It was charged that each of the products so prepared and shipped was adulterated, and that the liver extract was also misbranded.

The complaint alleged further than an information charging the shipment in interstate commerce of a quantity of an adulterated and misbranded drug was filed against the corporation on December 30, 1942; and that a plea of nolo contendere was entered on behalf of the corporation, and a fine of $100 was imposed. It was alleged further that since March 1941, numerous investigations of the manufacturing plant of the defendants and analyses of samples of products manufactured by them had been made by the Food and Drug Administration. The analyses disclosed the existence of insanitary conditions and the presence of filth, dust, animal excreta, and other foreign matter in and around the place of manufacture and packing and in and around the raw materials and substances out of which the drugs were manufactured, prepared, and packed for shipment; that inefficiency and intolerable drug manufacturing practices and control procedures existed where the utmost of efficiency should have prevailed to insure the integrity of drugs, some of which are hypodermically administered; that there was lack of proper facilities for filling and sealing ampuls in order to preclude contamination with foreign filth, fever-producing substances, and pathogenic organisms; and that dangerous laxity in identification of stored raw materials and drugs in process of manufacture, and other objectionable practices and conditions, existed in the plant.

The complaint alleged further that the defendants, unless restrained by the court, would continue to introduce and offer for introduction into interstate commerce adulterated drugs; and prayed that the defendants be perpetually enjoined from doing so; and further prayed that a preliminary injunction be granted, restraining the defendants during the pendency of the action.

On September 13, 1944, the court entered an order to show cause why, pending the outcome of the action, the defendants should not be enjoined and restrained. On October 4, 1944, the defendants having consented to the entry of a final decree, a permanent injunction was entered, as prayed in the complaint.

1415. Action to enjoin and restrain distribution of adulterated and misbranded drugs. U. S. v. J. L. Hopkins & Co. Consent decree granting injunction. (Inj. No. 69.)

On July 20, 1944, the United States attorney for the Eastern District of New York filed a complaint against J. L. Hopkins & Co., a corporation, Brooklyn, N. Y., alleging that on or before May 25, 1944, and thereafter, the defendant had been introducing and delivering for introduction into interstate commerce certain drugs that were adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth. The complaint prayed that the defendant be enjoined and restrained forever from distributing adulterated or misbranded drugs in interstate commerce.

On July 20, 1944, the court issued a temporary restraining order and an order to show cause why a preliminary injunction should not be entered. On November 16, 1944, the defendant and the Government having consented to the entry of a decree, judgment was entered enjoining and restraining the defendant for a period of 6 months from committing the acts complained of. The court retained jurisdiction for the purpose of enforcing or modifying the decree, or for the purpose of granting additional or supplemental relief.

1416. Adulteration of granulated wild cherry bark and ground buckthorn bark. U. S. v. 2 Barrels of Granulated Wild Cherry Bark and 1 Bag of Ground Buckthorn Bark. Decree of condemnation. Products ordered destroyed. (F. D. C. No. 13090. Sample Nos. 77418–F, 77419–F.)

On August 3, 1944, the United States attorney for the Southern District of New York filed a libel against 2 barrels, each containing approximately 213 pounds,